

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EDWARDS TERRY, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. 4:16CV01268 AGF  
 )  
 JEROME FIELDS, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's motion seeking seven subpoenas for medical records, notes, and prison reports from Defendant Jerome Fields, and several non-parties.

The Court has discretion to grant or deny subpoenas for indigent parties at the expense of the government. *Williams v. Carter*, 10 F.3d 563, 566 (8th Cir. 1993). "This power should be exercised to protect the resources of the Court and the Marshals Service, and to prevent harassment and undue expense of other parties and non-parties." *Stockdale v. Stockdale*, 4:08-CV-1773 CAS, 2009 WL 4030758, at \*1 (E.D. Mo. Nov. 18, 2009). Courts generally "consider factors such as the relevance and materiality of the information requested and the necessity of the particular testimony or documents to proving the indigent's case." *Id.* The Court may deny a request for a subpoena if it is frivolous, immaterial or unnecessary, unduly burdensome, would result in costs the indigent cannot provide, or is otherwise unreasonable. *Id.*

Plaintiff's current motion for subpoenas does not contain sufficient information for the Court to determine whether the subpoenas are relevant, necessary, and not unduly burdensome. For example, three of the requests do not specify the person or entity to whom the subpoena is to

be issued. Therefore, the Clerk of the Court is directed to send Plaintiff seven blank subpoena forms. Plaintiff may fill out the forms and return them to this Court for service. Plaintiff should not sign the subpoenas, which may be signed by the Clerk of Court after they are returned to the Court.

Plaintiff is directed to submit, within 30 days of the date of this Memorandum and Order, a memorandum with the filled-out subpoena forms which explains for each subpoena (1) to whom the subpoena is to be issued; (2) the specific documents sought; (3) why the documents sought are relevant to his case, where this is not self-evident; and (4) why he believes the entity or individual subpoenaed has the relevant documents. The Court will review Plaintiff's memorandum and will then determine which subpoenas, if any, should be signed by the Clerk of the Court and issued.

Plaintiff's failure to comply with this Memorandum and Order will result in the denial without prejudice of Plaintiff's current motion for subpoenas.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 13th day of December, 2016